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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/613,230 | 07/07/2003 | Dale A. Trsar | 10473-998 | 7010 |
| 20277 | 7590 | 12/30/2005 | EXAMINER | |
| MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096 | | | CHARIOUI, MOHAMED | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2857 | |

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/613,230

Applicant(s)

TRSAR ET AL.

Examiner

Mohamed Charioui

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9,11-16,18-23,25-29 and 38-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9,11-16,18-23,25-29 and 38-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Applicant cancelled claims 3, 10, 17, 24 and 30-37.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 2, 4 and 6-9 and 11-16 and 18-23, 25-29 and 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over Phung et al. (US. Pub. No. 2002/0007237) in view of Hart et al. (U.S. Patent No. 6,041,182).

As per claims 1, 2, 4, 6, 8, 9 and 38, Phung et al. teach collecting data related to effective fixes corresponding to various symptoms from a plurality of diagnostic systems via a data transmission network (see paragraphs [0009]-[0010]); accessing a validation result of validated effective fixes corresponding to each of the various symptoms (see paragraph [0064]); based on the collected data accumulating the number of each validated effective fix corresponding to each of the various symptoms (see paragraphs [0010] and [0017]); and assigning at least one effective fix to one of the various symptoms (see paragraph [0010]).

Phung et al. do not teach screening out invalid fixes from the collected data.

Hart et al. teach this feature (see col. 3, lines 38-62 and col. 4, lines 4-11). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Hart et al.'s teaching into Phung et al.'s invention because it

would accurately determine the appropriate fix and perform the repair in an efficient manner.

Phung et al. do not explicitly teach assigning at least one effective fix to one of the various symptoms based on an accumulated number of each of the validated fixes corresponding to one of the various symptoms.

Hart et al. teach this feature (see col. 8, line 51 to col. 9, line 32). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Hart et al.'s teaching into Phung et al.'s invention because it would accurately determine the appropriate fix and perform the repair in an efficient manner.

As per claims 7, 11-14, 18-21, 23, 28 and 29, Phung et al. further teach receiving a request to access to the data including the at least one effective fix assigned to the one of the various symptoms from one of the plurality of diagnostic systems via the data transmission network (see paragraph [0064]); transmitting the data including the at least one effective fix assigned to the one of the various symptoms to the one of the plurality of diagnostic systems via the data transmission network (see paragraph [0064]); and receiving data related to effective fixes corresponding to various symptoms from the one of the plurality of diagnostic systems via the data transmission network (see paragraphs [0019] and [0064]).

As per claims 15 and 16, Phung et al. further teach a data processor for processing data; a data communication port for connecting to a data transmission network (see paragraphs [0032]-[0033]); a data storage device for storing instructions (see paragraph [0033]); and a data transmission path coupled to the data processor, the

data communication port, and the data storage device (see paragraph [0033]); wherein the instructions, when executed by the data processor, control the data processing system (see paragraphs [0034]-[0037]).

As per claims 22 and 25-27, Phung et al. further teach receiving data related to effective diagnostic results corresponding to various faults from a plurality of diagnostic systems via the data transmission network (see paragraphs [0009]-[0010]); accumulating the number of each effective diagnostic result corresponding to each of the various faults (see paragraph [0010]); and assigning at least one effective diagnostic result to one of the various faults based on a result of the accumulating step (see paragraph [0010]).

3. **Claims 5 and 39-41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Steward (U.S. Pub. No. 2004/0243532). in view of Chiang et al. (U.S. Patent No. 5,660,183).

Steward teaches collecting data related to effective fixes corresponding to various symptoms from a patient diagnostic system via a data transmission network (see paragraphs [0127]-[0133]); accumulating the number of each effective fix corresponding to each of the various symptoms (see paragraphs [0134]-[0237]); and assigning at least one effective fix to one of the various symptoms based on a result of the accumulating step (see paragraph [0244]; claim 3; and claim 25).

Steward does not teach collecting data related to effective fixes corresponding to various symptoms from a plurality of patient diagnostic systems.

Chiang et al. teach this feature (see col. 2, lines 48-65 and col. 3, line 39 to col. 5, line 10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Chiang et al.'s teaching into Steward's teaching because it would help the physician/patient to determine the appropriate treatment for the patient's condition. Therefore, the patient's pain would be quickly alleviated.

Contact information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Charioui whose telephone number is (571) 272-2213. The examiner can normally be reached Monday through Friday, from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohamed Charioui

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12/14/05

Hal Wachsman
HAL WACHSMAN
PRIMARY EXAMINER
10/28/05